

The opinion in support of the decision being entered today was *not* written for publication in a law journal and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* YOSHINORI OHTA

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Appeal 2007-0681  
Application 09/805,978  
Technology Center 3600

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Decided: March 28, 2007

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Before ANITA PELLMAN GROSS, JENNIFER D. BAHR, and  
ANTON W. FETTING, *Administrative Patent Judges*.

GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Ohta (Appellant) appeals under 35 U.S.C. § 134 from the Examiner's final rejection<sup>1</sup> of claims 1 through 14, 16, 17, and 19 through 33, which are all of the claims pending in this application.

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<sup>1</sup> Although the cover page of the Final Rejection indicates that claims 1-33 are pending and rejected, claims 15 and 18 are cancelled.

Appellant's invention relates to an image ordering system. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. An image ordering system comprising:

a center server;

a first client computer for an orderer; and

a plurality of second client computers for a laboratory,

wherein said center server, said first client computer, and said plurality of second client computers are capable of communicating data with one another;

said first client computer comprising:

an input unit for inputting data that specifies an image to be printed; and

a first transmitting unit for transmitting, to said center server, the image specifying data that is input from said input unit and data specifying the orderer;

said center server comprising:

a memory for storing correspondence data in advance, the correspondence data representing which of the plurality of second client computers is affiliated with the first client computer of the orderer;

a first receiving unit for receiving the image specifying data and the orderer specifying data transmitted from said first transmitting unit of said first client computer;

a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit; and

a second transmitting unit for transmitting the image specifying data and the orderer specifying data, which has been received by said first receiving unit, to one of said plurality of second client computers that has been determined by said determination unit in association with each other; and

said one of said plurality of second client computers comprising:

a second receiving unit for receiving the image specifying data and the orderer specifying data transmitted from said second transmitting unit of said center server; and

a first alerting unit for giving notice of information regarding an image specified by the image specifying data and of an orderer represented by the orderer specifying data, which items of data have been received by said second receiving unit.

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

|          |              |               |
|----------|--------------|---------------|
| Freedman | US 4,839,829 | June 13, 1989 |
| Hartman  | US 5,960,411 | Sep. 28, 1999 |
| Greulich | US 6,018,338 | Jan. 25, 2000 |

Claims 1 through 7, 11 through 14, 16, 17, and 19 through 33 stand rejected under 35 U.S.C. § 103 as being unpatentable over Freedman in view of Hartman.

Claims 8 through 10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Freedman in view of Hartman and Greulich.

We refer to the Examiner's Answer (mailed March 3, 2006) and to Appellant's Brief (filed November 23, 2005) for the respective arguments.

## SUMMARY OF DECISION

As a consequence of our review, we will reverse the obviousness rejections of claims 1 through 14, 16, 17, and 19 through 33.

## OPINION

The main issue presented by Appellant (Br. 20-31) is whether Freedman and Hartman disclose the center server determining, on the basis of stored data, which of the second client computers is affiliated with the orderer and transmitting the order to that second client computer. The Examiner (Answer 9-10) asserts that Hartman discloses storing data for future orders, and, therefore, suggests storing an affiliation between the orderer and second client computers for the center server to use in selecting a second client computer. We agree with Appellant that no affiliation is disclosed on the record before us.

Freedman discloses (col. 10, ll. 19-27) that either the orderer selects the printing facility (or second client computer) or the orderer may permit the system (or center server) to select the printing facility. We find no other disclosure in Freedman as to how a printing facility is chosen, nor any teaching of saving order information for future orders. Hartman discloses (col. 3, ll. 40-42) that "purchaser-specific order information may have been collected from a previous order placed by the purchaser." The information is saved for single-action ordering capabilities, so that the purchaser need not send sensitive information via the Internet multiple times. See col. 3, l. 66-col. 4, l. 3, and col. 6, ll. 48-52. We find no teaching or suggestion that

the data saved includes affiliation information. Thus, neither Freedman nor Hartman teaches or suggests the center server determining, on the basis of stored data, which of the second client computers is affiliated with the orderer and transmitting the order to that second client computer. Accordingly, we cannot sustain the obviousness rejection of claims 1 through 7, 11 through 14, 16, 17, and 19 through 33.

For claims 8 through 10, the Examiner adds Greulich to the primary combination. Appellant contends (Br. 38-39) that Greulich does not remedy the shortcomings of Freedman and Hartman. Greulich states (col. 5, ll. 60-65) that the computer determines which printing facility to use based upon scheduling, geographic location, and capabilities of the facility. We find no suggestion in Greulich to use a printing facility that has an affiliation with the orderer. Thus, Greulich fails to cure the deficiency of the primary combination, and we find no evidence in the record before us that would have suggested the affiliation limitation that is lacking from above-noted references. Accordingly, we cannot sustain the obviousness rejection of claims 8 through 10.

Appeal 2007-0681  
Application 09/805,978

ORDER

The decision of the Examiner rejecting claims 1 through 14, 16, 17, and 19 through 33 under 35 U.S.C. § 103 is reversed.

REVERSED

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC  
8321 OLD COURTHOUSE ROAD  
SUITE 200  
VIENNA, VA 22182-3817